

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7062 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
DHAVAL SHANTILAL THANKI THRO' SHANTILAL PRANJIVAN THANKI

Versus

STATE OF GUJARAT

-----  
Appearance:

MR RA MISHRA for Petitioner

MR PG DESAI, LD. GP for Respondent No. 1, 2, 3

-----  
CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 08/09/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. P.G. Desai,  
Ld. G.P. for the respondents.

2. In this petition rule 7.3.1 of the admission rules for Engineering course is sought to be struck down on the basis of the decision of this Court in S.C.A. No.5258 of 1995 (Coram : S.M. Soni, J.). I have had

the occasion of dealing with the said decision coupled with the interim arrangement set out by the Division Bench in the L.P.A. No. 712 of 1995 which was moved against the said decision, by my judgment of date in S.C.A. No. 5819 of 1998 and in view of the said decision rendered by this Court today, this petition cannot be entertained as the admission process is almost about to be completed. Besides, the decision in Indra Sawhney v/s. Union of India reported in AIR 1993 SC 477, has no reference with regard to reservation for classes other than enumerated under the S.E.B. Classes and none of the provisions of the Constitution also deal with the reservation regarding physically handicapped candidates. However, since the State has made reservation for physically handicapped candidates, the respondent Government will consider while dealing with the rules of admission for the next academic year the decision rendered by this Court (Coram : S.M. Soni,J.) in S.C.A. No. 5258 of 1995 and the decision rendered today by this Court.

Subject to this, rule is discharged. No order as to cost.

\* \* \*

\*\*PVR\*\* sca706298j.